IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 1115 OF 2005

WITH

CIVIL APPLICATION NO. 107 OF 2006

in

NOTICE OF MOTION NO. 2548 OF 2002

IN

SHORT CAUSE SUIT NO. 3203 OF 2000

Smt. Chhabirajidevi Badrinarayan Singh
(Deceased) & Ors. ..Appellants
(Org. Plaintiffs)

Versus

Shri Diwakar Badrinarayan Singh ..Respondent

Mr. R.V.Desai, Senior Counsel & Mrs. N.V.Masurkar,Advocate, for the appellants.
Mr.Ghanshyam Mishra, Advocate, for the respondent.

CORAM: J.H.BHATIA,J.

DATE: 30th November,2007.

P.C.

1. With consent of the learned Counsel for both the parties, the Appeal and the Civil Application are hereby disposed of with the following directions :-

(i) The Court Receiver is appointed Receiver of the co-parcenery business at Shop No.11, 122-H, doongarsee Chawl, Sant Savta Marg, Mumbai 400 027. The Receiver may allow the plaintiffs and the defendant to participate in the bid for being appointed as agent of the Court Receiver. Plaintiffs Nos. 2 to 4 shall be allowed to bid jointly and the defendant may bid independently. The highest bidder shall be appointed as the agent. In case the plaintiffs are successful bidders, they will be required to deposit 1/4th of the bid amount with the Receiver, that being the share of the defendant in the property. In case the defendant is the successful bidder, he shall be required to deposit 3/4th of the bid amount, that being the share of the plaintiffs in the property.

(ii) The expenses of the Court Receiver shall be deposited by the plaintiffs and the defendant in

proportion to their share.

(iii) This arrangement shall continue pending the suit between the parties.

The Appeal and the Civil Application stand disposed of.

(J.H.BHATIA,J.)